

REMARKS

This paper is presented in response to the Office Action. By this paper, claims 6, 7 and 9-13 are canceled, claims 1, 4, 14-17, 19, 20, 22 and 23 are amended, and new claims 26-33 are added. Claims 8, 18, 21, 24 and 25 were cancelled in previous papers. Claims 1-5, 14-17, 19, 20, 22, 23 and 26-33 are now pending in view of the aforementioned cancellations and new claims.

Reconsideration of the application is respectfully requested in view of the aforementioned amendments and the following remarks. For the convenience and reference of the Examiner, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

I. General Considerations

Applicant notes that the remarks and amendments presented herein have been made merely to clarify the claimed embodiments from elements purported by the Examiner to be taught by the cited references. Such remarks, or a lack of remarks, and amendments are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicant: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicant reserves the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

In addition, the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose contemporaneous or future consideration, by the Applicant, of additional or alternative distinctions between the claims of the present application and any references cited by the Examiner, and/or the merits of additional or alternative arguments.

II. Rejection of Claims 1-6, 9-15, 19, 20, 22 and 23 under 35 U.S.C. § 102

Applicant respectfully notes that a claim is anticipated under 35 U.S.C. § 102(a), (b), or (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Further, the identical invention must be shown in as complete detail as is contained in the claim. Finally, the elements must be arranged as required by the claim. *MPEP* § 2131.

The Examiner has rejected claims 1-6, 9-15, 19, 20, 22 and 23 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,758,611 to Levin et al. ("*Levin*"). In view of the cancellation of claims 6

and 9-13, the rejection is moot regarding those claims. Regarding the rest of the rejected claims, Applicant respectfully disagrees with the contentions of the Examiner but submits that in light of the amendments herein, the rejection is moot and should be withdrawn.

By this paper, Applicant has amended independent claim 1 to recite in part "...a hollow mount configured to position the optical component within at least a portion of the port, wherein a portion of the second facet of the optical component contacts the mount, and wherein the mount is configured to hold a portion of the first facet of the optical component against the housing..." Support for this amendment to claim 1 can be found, for example, at least at Figures 4-6 of the application. In contrast, the Examiner has not established that *Levin*, either alone or in combination with any other reference, teaches or suggests the aforementioned limitation in combination with the other limitations of claim 1.

By this paper, Applicant has amended independent claim 20 to recite in part "...the base including a protrusion that extends into the recess; a ferrule configured to mate with the base such that the protrusion extends into the ferrule when the ferrule is mated with the base; and an optical component supported by the protrusion..." Support for this amendment to claim 20 can be found, for example, at least at Figure 3 of the application and the corresponding discussion in the specification. In contrast, the Examiner has not established that *Levin*, either alone or in combination with any other reference, teaches or suggests the aforementioned limitations in combination with the other limitations of claim 20.

In light of the foregoing, Applicant respectfully submits that the Examiner has not established that *Levin* anticipates either of claims 1 or 20, at least because the Examiner has not established that each and every element as set forth in claims 1 and 20 is found in *Levin*, because the Examiner has not established that the identical invention is shown in *Levin* in as complete detail as is contained in amended claims 1 and 20, and because the Examiner has not shown that *Levin* discloses the elements of claims 1 and 20 arranged as required by those claims.

Applicant thus respectfully submits that the rejection of claims 1 and 20, as well as the rejection of corresponding dependent claims 2-5, 14, 15, 19, 22 and 23, should be withdrawn.

III. Rejection of Claims 16 and 17 under 35 U.S.C. § 103

Applicant respectfully notes at the outset that in order to establish a *prima facie* case of obviousness, it is the burden of the Examiner to demonstrate that three criteria are met: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; second, there must be a reasonable expectation of success; and third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *MPEP* § 2143.

The Examiner has rejected claims 16 and 17 under 35 U.S.C. § 103(a) as being obvious over *Levin*. Applicant respectfully disagrees.

Claims 16 and 17 depend from claim 1, which, as noted previously, has been amended herein. By virtue of their dependence from independent claim 1, dependent claims 16 and 17 each require "...a hollow mount configured to position the optical component within at least a portion of the port, wherein a portion of the second facet of the optical component contacts the mount, and wherein the mount is configured to hold a portion of the first facet of the optical component against the housing..." As noted above however, the Examiner has not established that *Levin* discloses this limitation.

Accordingly, Applicant respectfully submits that the Examiner has not established a *prima facie* case of obviousness with respect to claims 16 and 17, at least because the Examiner has not established that the reference, when modified in the purportedly obvious fashion, teaches or suggests all the limitations of the rejected claims. Applicant thus respectfully submits that the rejection of claims 16 and 17 should accordingly be withdrawn.

IV. Allowable Subject Matter

Applicant acknowledges with thanks the indication of the Examiner that claim 7 would be allowable if rewritten to include all the limitations of the base claim and any intervening claims, and Applicant also wishes to thank the Examiner for the careful review of that claim.

Applicant submits the following comments concerning the Examiner's statements of reasons for the indication of allowable subject matter in the Office Action. In general, Applicant agrees with the Examiner that the invention to which claim 7 is directed is patentable over the cited references, but respectfully disagrees with the Examiner's statement of reasons for allowance as set forth in the Office Action.

Particularly, Applicant submits that it is improper to characterize a single limitation, or subset of limitations, as constituting the basis for allowance of a claim. Rather, the patentability of a claim is properly determined with reference to the claim as a whole. Accordingly, Applicant does not concede that the reasons for allowable subject matter given by the Examiner are the only reasons that make, or would make, claim 7 allowable and Applicant does not make any admission or concession concerning the Examiner's statements in the Office Action concerning the allowability of claim 7 in view of the cited references.

V. New Claims 26-33

By this paper, Applicant has added new claims 26-28 that depend from claim 20. Support for these new claims can be found, for example, at least at Figure 3 of the application. Applicant respectfully submits that new claims 26-28 are allowable for at least the reasons set forth above regarding claim 20.

Applicant has also added new independent claim 29 and claims 30-33 which depend therefrom. Support for these new claims can be found, for example, at least at Figures 4-6 of the application and the corresponding discussion in the specification.

CONCLUSION

In view of the remarks submitted herein, Applicant respectfully submits that each of the pending claims 1-5, 14-17, 19, 20, 22, 23 and 26-33 is in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 22nd day of March 2007.

Respectfully submitted,

/Peter F. Malen, Jr./

Peter F. Malen Jr.
Attorney for Applicants
Registration No. 45,576
Customer No. 022913
Telephone: (801) 533-9800

W:\15436\186.2\ML0000005198V001.doc